## TRANSMITTAL LETTER

n re Application of:

Stamires, Dennis, et al.

Docket: ACH 2853 US

Serial No.:

10/072,630

Examiner: Steven Bos

Filing Date: February 7, 2002

Group Art Unit: 1754

Title: DOPED ANIONIC CLAYS

Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

⊠Transmitted herewith is a responsive document(s) for this application. TRANSMITTAL LETTER IN DUPLICATE; RESPONSE TO RESTRICTION AND/OR ELECTION REQUIREMENT; CERTIFICATE OF MAILING; and POST CARD.

The total fee believed due is \$00.00. Please charge this amount and any other fees which may be due (including filing fees under 37 CFR 1.16 and processing fees under 37 CFR 1.17) to Deposit Account No. 01-1350. If an extension of time is required but has not been requested above, Applicant hereby petitions for an extension of time sufficient for the attached document(s) to be timely. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Louis A. Morris

Attorney for Applicant(s)

in Furcell

Reg. No. 28,100

Akzo Nobel Inc. Intellectual Property Department 7 Livingstone Avenue Dobbs Ferry, N.Y. 10522 (312) 544-7378

## **CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as First-Class Mail in an envelope addressed to: Assistant Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Vickie Purcell



## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Stamires, Dennis, et al.

Docket: ACH2853US

Serial No.: 10/072,630

10/012,030

**Examiner: Steven Bos** 

Filing Date: February 7, 2002

Group Art Unit: 1754

For: DOPED ANIONIC CLAYS

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Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

RESPONSE TO RESTRICTION AND/OR ELECTION REQUIREMENT

Sir,

This is in response to an Official Action, mailed on March 2, 2004, subjecting pending claims 1-20 to a restriction and/or election requirement.

Applicants elect claims 1-12 for examination, with traverse.

The Examiner alleges that inventions I (claims 1-20) and II (claims 13 and 14), are related as process of making and product made, on the basis that the product can be made by a different process, such as a solid state process. However, as explained in the instant text, pages 4 and 5, the instant process achieves a degree of homogeneity of dopant, via controlled dispersion of the

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Date:

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dopant within the anionic clay, which cannot be achieved by co-precipitation or impregnation. The doped anionic clay obtained by the process of claim 1 simply cannot be made by a different process and Inventions I and II are not distinct.

Inventions II (a doped anionic clay) and III (a catalyst containing the doped anionic clay) present a combination/sub-combination relationship. The combination (Invention III) absolutely requires the particulars of the sub-combination (Invention II) for patentability. Contrary to the Examiner's allegation, Inventions II and III are, thus, not distinct and not subject to restriction (MPEP 806.05(c)),

Logically, since Inventions I and II are not distinct, and Inventions II and III are not distinct, Inventions I and III could not be distinct. Inventions I and III are, of course, related, since the catalyst of Invention III must comprise an anionic clay made by the process of Invention I. Where inventions are related as disclosed, but are not distinct as claimed, restriction is never proper. (MPEP 806 C).

Applicants respectfully request that claims 1-20 be examined on the merits.

Respectfully submitted,

Louis A. Morris

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